NEW-YORK TRIBUNE.

NEW-YORK, TUESDAY, JUNE 18.

ADVERTISEMENTS.—For Auctions see third page, and California steamers see seventh.

For Europe.

The next number of *The Tribune for European circulation* will be issued TO-MORROW MORNING, at 9 o'clock. It will contain all the latest news received up to the time of going to press. The *America* sails from this port To-Morrow at 12 o'clock.

In Congress, Yesterday.

In the SENATE they had the Omnibus bill of course. The amendment of Mr. DICKINSON was withdrawn, and thus the question was on that of Mr. SOULE, providing that when New-Mexico and Utah wanted to come into the Union they might come with or without Slavery.

Mr. WEBSTER then made a speech reaffirming the position taken in his speech of March 7, as to the uselessness of the Wilmot Proviso, and maintaining the consistency of that speech and of the Newburyport letter with all other speeches and acts of his political life.

Some discussion followed, in the course of which Mr. SEWARD stated that he knew no circumstances which could induce him to vote for the admission of Slave States formed from these territories. Mr. BALDWIN then moved to amend the amendment so as to provide that States might in due time be admitted from the Territories according to the principles of the Constitution. This was followed by a passage between Mr. CASS and Mr. HALE, in which the Senator from Michigan suffered badly from the ever ready wit and good-nature of the Senator from New-Hampshire. The question then came up on SOULE's amendment, that of BALDWIN not having been seconded, or having been disposed of in some way not reported by our dispatch. The result was that the amendment (SOULE's) was lost by a vote of 12 yeas to 38 nays.

A message was received from the President with information as to doings of the Texan Commissioner in New-Mexico and the orders issued by the Executive to the troops in that Territory. This message will be found in full in the proceedings of the Senate.

The HOUSE talked about several things and accomplished little or nothing, except to agree to meet an hour earlier in the day henceforth. Two or three resolutions of inquiry were offered, and an attempt made to get the California bill out of Committee soon, but to no purpose. It was not advanced a hair.

New-Mexico and the Compromise.

WASHINGTON, Saturday, June 15.

To the Editor of The Tribune:

SIR: I see in *The Tribune* of June 12th an extract from the correspondence of the *Evening Post*, which mentions the recent disturbances between Texas and New-Mexico at Santa Fé, and, to my astonishment and regret, perceive the following extraordinary remarks appended:

"In such a state of things, what is non-interference but 'resigning everything to Slavery? And is not almost any 'arrangement which will secure the independence of New-'Mexico better than leaving her to the tender mercies of 'these Texan agents, open or disguised? According to 'the above statement—and we see no reason to doubt its 'truth—the fate of the Territory is certain, unless promptly 'obviated by Congress. Let us hope that no time will be 'lost in providing against this danger."

I claim no right as a subscriber of *The Tribune*, nor upon any other score, to call in question its arguments, but as a friend of a fair and full understanding of the issues between the North and South, I beg a brief explanation with reference to this matter. The meaning of your remarks, I take it, is that if non-interference upon the Administration plan is insisted upon, the Territory of New-Mexico goes to Texas and becomes Slave territory, while upon the other plan to which you allude, and which I understand you to support, viz. the "Compromise," the "independence of New Mexico" is secured; *ergo*, the territory becomes Free territory. What I want to ask is, *Of what consequence is it that Texas is prevented from obtaining the territory, if Territorial Governments are to be established upon the "Compromise" plan?* Territorial Governments of course carry Slavery with them, which is why the South so strenuously contend for them. If there are any who do not understand the *modus operandi*, I will explain: If Territorial Governments are established, two Territorial Judges are to be appointed by the President, by the advice and consent of the Senate. The South has a majority in the Senate, and of course these Judges will be Southern men. When a slave is brought before them upon a suit for his freedom, of course they decide that he is property under the Constitution, and thus Slavery is as irrevocably and firmly established in the Territories by judicial decision as if Congress should enact a law establishing it.

It will be seen that the same end (the establishment of Slavery) is arrived at in either case. But the President leaves the boundaries to be ascertained by the Supreme Court, or fixed by Congress, so that it can be of no consequence if Texas claimed and formally established authority over all California and Oregon; she would be exactly so much less in pocket as this Quixotic performance cost her, as in the end it would result exactly in—*nothing*. As I understand *The Tribune* to be the friend of free and fair discussion, and as it is also a Whig journal, and this little explanation is but intended to set the acts of a Whig Administration in a fair light, I appeal to it with confidence.

Obediently, JUVENAL.

Remarks.

We have preferred to let this untoward controversy about the respective merits of the Compromise and the President's plan, so called, go on as quietly as possible, because in neither of them, nor in any other scheme now practicable, could we perceive the elements of a just and satisfactory settlement of the questions which now distract the country. We want the shield of the Wilmot Proviso extended over all the Territories in the Union; but that, it is certain, we cannot now have, nor is the chance for it likely to improve. A few years since, no Senator from the Free States was known to be hostile to the Proviso; but first Gen. Cass turned his coat, and was soon followed by Dickinson; the Iowa men and Mr. Buchanan's straw effigy from Pennsylvania took the same track; and finally Mr. Webster has straggled after them. The Proviso has just been beaten by the decisive vote of 33 to 23; while, if the six Senators from Free States above indicated had voted as they ought, the Proviso would have carried by 29 to 27. On the main issue, therefore,—that of directly inhibiting Slavery in the Territories—the North is thoroughly beaten—beaten by its own men, some of whom ostentatiously violate the instructions as well as defy the known sentiments of their constituents in so doing. It was urged as a part of the consideration when the North came into the support of Gen. Taylor for President, that the Vice-President on the same ticket was an unequivocal Northern man and would give us the Senate on any question which might arise between Southern interests and Northern convictions. Messrs. CASS, Dickinson, Sturgeon, Webster & Co. have rendered this of no avail. The North is beaten on the Proviso—beaten by its own chosen Representatives—and neither Gen. Taylor, Mr. Clay, Mr. Benton, nor any Southern man, is at all to blame for it. We could not expect them to champion the Proviso—had no right to expect it. We *had* a right to expect it of Statesmen educated amid the influences, nurtured in the traditions of Freedom. These have betrayed and defeated us.

—Now, then, what remains to be done? Not, certainly, to sit sullenly down and refuse to do any thing, because we cannot do what we could wish. We have still a Country to serve—still rights to uphold and wrongs to resist. Nay; we have *this same* wrong of Slavery Extension to resist, although the most direct and effectual *mode* of resistance is precluded by the defection of the Northern Senators aforesaid. So far, our correspondent and we do not seem to be at variance. But we seem to differ on this question—Suffering all things to stand as they now do, would it or would it not be better that the Compromise bill reported by Mr. Clay should become a law?'

'Juvenal' very well understands that we don't want to pay Texas any Ten Millions, nor One Million, for her trumpery *claim* on New-Mexico if we could upset it without.—We are not sure that the Federal Government can justly evade the payment of her Public Debt, or some good part of it, on the ground that the Union legally assumed the debt by absorbing the pledged Revenues of Texas, but we know very well that she has no right of dominion over New-Mexico which is worth a thousand cents, let alone ten million dollars. But she *has a claim*, and it is not a new one, but a twin brother of her villainous pretense to the boundary of the lower Rio Grande, which involved us in the late most atrocious War on New-Mexico. She now says, with much plausibility, "You went to war with New-Mexico 'on the assumption that the Rio Grande 'was our rightful boundary, and you made 'her surrender all this side of that river; and how can *you* now dispute our 'claim? To do it is to brand yourself with 'the guilt of false pretense and bloody rapacity." We Whigs can afford to own the truth, and make answer, "Yes, it *was* false 'pretense and rapacity; now make the most 'of it." But the party that made and sustained the War cannot afford to say any such thing, but can at best only quibble about the upper and the lower Rio Grande, to its own easy refutation. The truth absolutely is that Texas did not possess one foot of the Rio Grande valley, neither above nor below El Paso, when she annexed herself to this country, and never had possessed any save as the British held Washington City for a few days during the War of 1812.—The difficulty, therefore, is not in the strength of the Texas claim to New-Mexico, but in the strength of the great party whereby that claim is virtually if not openly supported.—That party has now the ascendancy in either branch of Congress, and no Act nor Joint Resolution affirming the right of New-Mexico to a Government independent of Texas can be passed. The noisiest declaimer for, Free Soil on the Loco-Foco side of the House says nothing in reprehension of this claim of Texas. We, therefore, apprehending the absorption of New-Mexico by Texas, would rather buy off the claim than see it enforced. We would vote for the Ten Millions, under existing circumstances, just as we might give our pocket-book to the highwayman who presented his pistol and said, "Your money or your life!" Texas is the highwayman and the Loco-Foco party her pistol.

—We do *not* say—have never said—that New-Mexico would be absorbed by Texas merely because what is called 'the President's plan' with respect to the New Territories should prevail; but we *do* say that, if Texas is allowed to proceed unresisted in the course she is now pursuing, New-Mexico must be subverted and transformed into Slave Territory. *That* we say, and most undoubtingly believe. Texas is a State, doubly represented in either branch of Congress, with a Militia, Executive, Judiciary and Finances; New-Mexico is a conquered province, with no civil organization, no executive head but a subordinate military officer, and he *instructed to take no part for nor against the assumption of Texas.* How, then, can New-Mexico resist the arts and (if needed) the arms of Texas? Through what organization? We see no chance for her doing so with success. We believe she *must* in some way be shielded from her powerful neighbor, or she will inevitably be crushed in that neighbor's anaconda folds. It is nonsense, it is insult, to talk of referring the case to the Supreme Court. Who are to be the parties? Where is the claim of sovereignty adverse to that of Texas? And is not the Supreme Court eight-ninths Loco-Foco, five-ninths slaveholding, and at least two of the four Northern Judges most intense pro-Slavery and Texas men, one of them now an aspirant for the Presidency by the favor of the South? We cannot see how any one who anxiously desires the preservation of New-Mexico can tolerate the idea of submitting her existence to the chances of a favorable decision in the Supreme Court. Suppose Texas should clutch the Territory, and then enact that resistance in any form to her jurisdiction shall be punished as treason—what then? We insist that New-Mexico must at all events be promptly and effectually shielded from the assumptions and the machinations of Texas.

—Why, urges 'Juvenal,' that is equivalent to saying you are in favor of the Compromise. We regret that it is so; but whose fault is that? We did not instigate the orders from the War Department to our commandant in New-Mexico to maintain a strict neutrality between the emissaries of Texas and those who might object to her sway; we have not prevented the issue of a Proclamation by the President declaring that, until Congress shall otherwise decide, he will maintain the separate existence of New-Mexico, as originally bounded, against all gainsayers; we have not prevented the passage of an Act or Joint Resolution by Congress declaring that Texas has no right to any portion of New-Mexico and directing the President to defend the latter accordingly. Had the course taken in either case been such as we should have counseled, there would have been no necessity now for accepting the Compromise to save New-Mexico. As it is, we do not perceive that those who *might* obviate that necessity are likely to do it.

—And now as to Juvenal's assumption that Territorial Governments in New-Mexico and Utah "will of course carry Slavery with them if the Compromise plan be adopted"—we have only to say that such is not the fact. Slavery *may* go thither if that plan be adopted; we think the chances decidedly the other way, yet would rather be sure of it. But refusing to organize those Territories will not help the matter a hair. Slavery is not a whit more likely to expand under a regular territorial organization than under the Military despotism that now prevails there. Neither of them is just right, but of the two we prefer a regular government and a settled administration of the laws.

—But what of our correspondent's story about the appointment of Judges who will necessarily be pro-Slavery? We answer it is humbug—moonshine—impudent assumption. It is false that Gen. Taylor could be coërced into the nomination of such judges, especially under a law that he does not approve. It is false that the Senate would undertake so to coërce him. Juvenal coolly assumes that all the Senators from the Slave States would insist on the selection of pro-Slavery Judges, when we know, and he ought to know, certainly three Senators from Slave States who do not themselves believe that Slavery can be so extended, nor that it ought to be. We believe there are *six* Senators from Slave States right on this point, but we are sure of three. He who pretends that the Senate would exact or the President submit to any such prescription of judges is a gross libeler of both. If the fact were as 'Juvenal' asserts, we should not have the ten most ultra Propagandists of Slavery in the Senate opposing the Compromise.

Our conclusion, therefore, is—Let those Members of Congress who desire above all things else to serve and uphold the cause of Human Freedom be cool, be vigilant, and firmly resolved to do the best that may be found practicable. Let their constituents be tolerant, be earnest for the right, and leave party advantage and personal consequences to take care of themselves. Let them give their Representatives friendly counsel, but not fetter them with arbitrary instructions, which may be rendered inapplicable and mischievous by the march of events. Let the President and Cabinet, if they want to defeat the Compromise bill, give the People explicit and official assurance that the emissaries of Texas shall be promptly chased out of New-Mexico and kept out. And finally, in view of the difficulties of the case, and the notorious diversities of sentiment among good men with regard to it, endeavor to be charitable and forbearing—let us learn more and judge less. Perhaps it may be found practicable to make the Compromise a good deal better than it is, or to pass a better bill instead of it. If so, we shall rejoice right heartily, but we do not consider nothing at all better, nor even so good. [*Ed. Trib.*

IOWA.—James Harlan, the Whig candidate for Governor of Iowa, has declined, because he will not be quite thirty years of age on the day of election, (August,) though he will be before the time for inauguration (December,) and the constitution requires that a Governor shall be thirty years old when *elected*. [When shall we see the last of these absurd restrictions on the Right of Suffrage?] Mr. H. very properly says that having been twice fairly elected to an important office, (Sup't of Education,) and kept out of it by Loco-Foco canvassing, he chooses not to expose the Whig party to another defeat on like grounds.

—BERNHART HENN is the Opposition candidate for Congress in the 1st District, vice Wm. Thompson, returned by the stealing of a poll book. The Loco-Focos are wise enough not to run him again.

MISSOURI—In the Columbia district of Missouri, a Benton Convention, composed of delegates from six Counties, has nominated A. MCKINLEY for Congress. A report was current at St. Louis at the last dates, that he had declined, but the *Republican* discredits it.

LATE FROM VALPARAISO!—The *Sun* yesterday published several weeks' later news from Valparaiso with the flourishes usual on getting ahead of all its neighbors. The news in question arrived here by the Cherokee on the 6th inst. and was duly published in the *Tribune* and other papers at the time. Why don't the *Sun* revive the Moon hoax?

☞ Col. JOHN B. WELLER, late Commissioner to run the new Boundary with Mexico, writes from California an abusive self-defense against what he is pleased to term "the slanders of the Federal Press" in regard to his conduct of the Commission, and especially his expenditure of money therein. His letter appears in *The Union* and purports to be a reply to one published in The Tribune of the 15th March last, and dated at Washington on the Thursday preceding. Had he seen fit to send his letter to us, we would have published it promptly and fully, unsatisfactory as it is. It gives no account of his receipts and expenditures as Commissioner, but asserts that he was not adequately supplied with funds by the Government, and that the public interest has suffered thereby, as have individuals who were employed on the Commission. He very mysteriously failed to receive any official notification that Col. Fremont had been appointed to supersede him as Boundary Commissioner until Feb. 19th last! He says the members of the Commission have not been paid for their services, and that many of them have been compelled to sacrifice their due-bills for two-thirds of their face, and that

"We were often without the means, even, to pay our *washbills*."

How is that? It was said on the Isthmus that the Col. took a washerwoman along with him. This needs explanation.

—Judge POTTER, M. C. from Ohio, prefaces Col. W.'s letter as follows:

HOUSE OF REPRESENTATIVES, June 11, 1850.

DEAR SIR: Will you, if convenient, publish the enclosed communication from Colonel Weller, which he deems essential to his defense against certain charges made by some of the newspapers in this country, doing him great injustice? Very truly, EMERY D. POTTER.

To the Editor of The Union:

Judge Potter here assumes that the charges aforesaid have done Col. Weller "great injustice." How does he know? How *can* he until he knows how much money Col. W. has drawn from the Treasury and what he has done with it? His letter might and should have contained this information, but only blindly states that he started with $15,000 and sent back for more before he left the Isthmus. We are yet in the dark as to his disbursement of that sum, and believe he has drawn for more and received the money, beside the $9,000 received on his $10,000 draft through Col. Fremont. Why not give us a full account, debit and credit? The public might then judge,

Judge Potter cannot help knowing that it has been publicly charged in his own State that Col. Weller years ago borrowed several thousand dollars of the funds of his own County (Butler) which were in his hands as Loan Commissioner, and pretended to secure it by a second or third mortgage on property already mortgaged for its full value, so as to afford really no security at all. If such be the fact, we submit to Judge P. that this Weller is totally unfit to be trusted with public moneys—that his appointment was utterly wrong—and that his statements in the present case are to be received with much allowance. Will Judge Potter—who has thrust himself into this controversy and gratuitously charged us with "great injustice," ascertain what the facts are with regard to this financiering at home, and let us print them over his signature in The Tribune? If we have wronged Col. Weller, even in thought, we are anxious to make due reparation.

NORTH CAROLINA.—The Whig State Convention met at Raleigh on the 10th inst.—forty four Counties represented by one hundred and sixty delegates—and nominated Hon. CHARLES MANLY of Wake Co. for reëlection as Governor. The names of Andrew Joyner and Wm. B. Shepard were proposed but withdrawn, and Col. Manly's nomination was made unanimous. He thereupon appeared and accepted the nomination in a vigorous speech. He goes heartily and unqualifiedly for the Union and indulges in no bluster about "Southern Rights" and nullifying remedies. The following are among the Resolutions adopted by the Convention:

1. *Resolved*, That we have unabated confidence in, and attachment to, the principles of the Whig Party, and we believe that their success will promote the prosperity, and advance the honor of our Country, secure the stability of the Union, and perpetuate the blessings of freedom.

2. *Resolved*, That whilst we are firmly determined to meet and repel all encroachments upon the Constitutional Rights of the People of North Carolina, yet are we equally resolved to uphold and defend the integrity of our National Union against all assaults by whomsoever made and from whatsoever quarter they may come.

3. *Resolved*, That upon the perpetuity of our Union depend that Independence and Liberty which we possess, and which were the work of the joint councils and efforts, of the common dangers, sufferings and success of our Revolutionary fathers, and which we are bound by every consideration of gratitude to them, of interest and honor to ourselves, and duty to our posterity, to maintain and defend.

4. *Resolved*, That we believe a large majority of the American People desire the Restoration of harmony and concord to our Country by a fair and honorable adjustment of the agitating questions connected with the institution of Domestic Slavery, and they demand that their peace and comfort shall be no longer disturbed by keeping open as capital for demagogues and fanatics, those delicate and dangerous questions.

5. *Resolved*, That we approve, and believe a large majority of the People of North Carolina do approve, the plan of the adjustment reported to the Senate of the United States from the Committee of Thirteen; and desire that with such amendments as our friends in Congress may deem necessary, just and proper, it should be adopted and become the law of the land.

6. *Resolved*, That our confidence in the ability, integrity and patriotism of the President of the United States—Gen. ZACHARY TAYLOR—is undiminished, and we feel convinced that regardless of the abuse, misrepresentation and calumnies of his enemies, he will prove himself to be what he has always been, a true friend to his country; that he will do his duty and his whole duty to that country, and that his course in the administration of the Government will be conservative and patriotic.

The Opposition Convention met on the 13th, and nominated Hon. DAVID S. REID of Rockingham Co. for Governor.

THE OPPOSITION UNITED.—The *Albany Atlas* of this morning contains the following call for a Loco-Foco State Convention, signed by the Hunker Chairman of the State Committee and the Barnburner Chairman of the last Legislative Caucus:

DEMOCRATIC STATE CONVENTION.—A Democratic State Convention will be held at the City of Syracuse, on Wednesday, the 11th day of September next, at noon of that day, to be composed of one Delegate from each Assembly District, for the purpose of nominating a ticket for State officers, to be supported by the whole Democracy of the State at the next election, and to determine how future elections shall be called, and to transact such other business in regard to the organization of the party and the promotion of its interests as may be deemed necessary.—June 7, 1850.

JOHN V. L. PRUYN,
Chairman of the Democratic State Committee.
CHARLES A. MANN,
Chairman of the Democratic Legislative Caucus.

TROUBLE IN A CHURCH.—We learn from the Boston papers that there was an internal agitation in St. Luke's (Episcopal) Church, Chelsea, Mass. on Sunday last. A clergyman, or as others say a layman, took possession of the desk in the morning before the arrival of the Rector and persisted in reading the service while the latter with his friends after having protested in vain, sat in the pews till it was over; in the afternoon the Rector on entering the Church was assailed between the porch and the altar, and in the squabble which followed his robe was torn from his back. The services were broken up and the sheriff took possession of the premises. It seems that there has long been a difficulty between the parties as to the right to the edifice.

NEW TELEGRAPHIC LINE.—The Bain Line from Boston to Portland will be through to-day, and we shall receive the next steamer's news over that line. The line to Utica will be ready in about a week.

☞ Bristol Bill and Meadows have been convicted of counterfeiting at Danville, Vermont. They had not received sentence at our latest accounts.

☞ Mrs. Mary Campbell has been arrested in Buffalo on a charge of having attempted to drown her adopted daughter, a little girl aged six years. Mrs. C. had previously made several attempts to drown the child.

For The Tribune.

Conflict of Laws.

Judge Story in compiling his elaborate treatise upon the Conflict of Laws, overlooked one part of his subject. He appeared to suppose that diversity of laws could be predicated only of different countries. The Judiciary of New-York is furnishing some illustration of the conflict that may exist in the Courts of the same country. Is this anomalous state of things attributable to the constitution of our Courts, or to the innovation in our system of laws which has grown up within a few years.

It may lead us to question the theory of the Code Commissioners, that the reduction of the laws into popular language will render the construction any more certain. That the arrangement of the subjects and the phraseology used have contributed much to make our laws more intelligible to men not professionally educated, may be conceded.—But we may run into an error in supposing that what is intelligible to a common intent is out of the reach of difficulty. I should entertain great doubt of the benefit that would result from a general revision of our laws in a manner corresponding with what has been already done in respect to the practice of the Courts; and it is very little to be regretted that the plan has been for the present dropped.

Great innovations are likely to lead to results which cannot be fully anticipated; and we have the opinion of the profoundest thinker, and one of the ablest Jurists that England ever produced, that no forecast is sufficient to ensure safety in great and sudden changes of the law. He advised that no innovation should be made except as called for by some practical inconvenience, in which case the remedy should be coëxtensive with the evil to be remedied, and nothing more.

If there is danger even upon the supposition that the changes are made with deliberation, and under the auspices of men of science and ability, what may be expected when they are brought about by popular theories carried out by inexperienced legislators.

Our English ancestry always preferred the common law where it could be made to apply. Thence arose a rule which has been immemorially adhered to, of construing statutes with strictness. This time-honored rule the Code Commissioners propose to abrogate. The reason assigned is, that as the common law itself, so far as relates to the subject of the Code, is abolished, the rule that statutes in derogation thereof shall be strictly construed, has no application. There may be some plausibility in this, but it may be doubted if the ancient maxim is not, after all, the wisest.

It has been found unsafe to trust to the *discretion* of judges. A *literal* construction of statutory law has been insisted upon in order to leave no room for perversion by the arbitrary will of ignorant or corrupt judges.

The code (I speak of the code as reported complete at the last session of the legislature,) requires that its provisions and all proceedings under it shall be *liberally* construed. In their notes the Commissioners complain that some of the provisions of the existing code have been defeated by the construction given to them by judges. I think it will appear that the real cause of complaint is, not the *strict* construction, but the *arbitrary* construction by different judges exercising that sort of discretion which the code seems to call for, thus leading to contrariety of decision. This discrepancy, it is true, is not limited to questions arising out of our new statutory system, but in the work of reform the existing state of things must be considered—the capacity of our judges—the usages of Courts and the tendency of the public mind—respect for precedents and long established opinions is greatly preferable to the individual judgment of men of small experience, who under our present judicial system are too likely to occupy the bench.

Justice Harris held that an action for partition of lands was maintainable under the code, and this the Commissioners say is clearly within the provision relating to actions according to strict construction. But Justice Barculo in another case held just the contrary opinion, which was affirmed at a general term, Justice McCoun delivering the opinion for affirmance. And it may be supposed that as the judges last named, did not according to the views of the Commissioners, conform to the *strict* meaning, they must have given the clause in question a liberal construction according to the measure of their capacity.

It was held by Judge Edmonds in a case between two opera singers from Havana, one of whom had sued out an attachment against the property of the other as a non-resident debtor, that the attachment would lie although the attaching creditor was a non-resident. On appeal to the general term it was decided, (Justice Sill delivering the opinion) that the attaching creditor was *not* a non resident, and that if he was, the attachment would not lie.

It has been several times decided in New-York and elsewhere that on appeals from an order made at special term an *undertaking*, (the new name for security,) is not required. At the recent General Term in Brooklyn it was held by all the Judges that this was not law but for the sake of uniformity they were pleased to say that they would for the present concur in the practice adopted in the other Circuits.

It may be seen from these few instances, to which a great number might easily be added, that the Second Circuit has somewhat the preëminence in diversity of opinion from the other Courts. It may be said for the Judges of that Circuit that they have at least the merit of originality. A recent decision by Judge Morse upon a bill for divorce, on the ground of physical disability of the husband, is quoted at the Bar, though I have not seen the report.—He held that the complainant should have sworn that she was not aware of the fact before marriage, and for want of that averment dismissed the bill.

Perhaps a late decision by Judge Sill of the Eighth Circuit may be deemed equally novel and profound, who held that a Foreign Corporation is liable under the Code to be sued in this State like any other defendant, by the service of a summons without process of attachment; but as this conflicts with an old principle recognized by our Courts, that a Corporation has but a local existence, viz: within the State where it has received its Charter; and is not amenable to suit in any other State except by voluntary appearance, he got over the difficulty by saying that the suit under the Code is nothing more than a proceeding against the property of the Corporation in the State—in other words, although the Corporation is not liable to be sued, yet, if a creditor commences a suit we will hold on upon the defendants, or anything they have here, until they consent to be sued.

It may be fairly deduced from these and similar adjudications that there is to be no lack of *liberal* construction; but whether the Judges will be able to keep a common standard of liberality remains to be seen.

Chief Justice Coke pithily answered, when his opinion was demanded upon the case of Archbishop Abbot, "If it be a matter arising upon the Common Law I should be ashamed not to be ready to make an answer, but if it be a matter of Statute Law, God forbid that I should answer hastily."

Such was his opinion of the uncertainty of human judgment unaided by precedent and opinion of others. "JURIS CONSULTUS DEDOCTUS."

(A Lawyer who has unlearned what he knew of late.)

For The Tribune.

The New Coins.

The integrity of the national coinage has ever been watched with a jealous care by all good governments, and its debasement has ever proved disastrous to the commercial interests of every nation that has attempted it. Witness Brazil, the Colombian States of South America, and not the least among nations, our own country in 1834-37. At these dates our Gold Eagle (a legal tender for $10) was reduced by an abstraction of gold 6¼ per cent in value and its relation to silver seriously disturbed; and even at this day while the Silver Dollar commands 4s 2 1-6d in the London market, the Dollar in Gold is worth only 4s 1½d. The consequence of which is that we seldom see the higher denominations of our Silver Coin in circulation, while a depreciated Gold Currency is abundant. It is now proposed, though on perhaps a lesser scale and to a less serious inconvenience to our foreign exchanges to introduce a base or *billon* small currency in the shape of a Cent and a Three Cent pieces.

The Cent will weigh 24 grains Troy—100 fine i. e. it will contain 22.5 grains of Copper and 2.5 grains of pure Silver; and it will be current as the Cent of account or as the 100th part of the Dollar, while its intrinsic value in relation to the account value will be as 0.0521 to 1.0000 or at a discount of 0.3479 or nearly 35 per cent.

The III Cent piece will weigh 12.3750 grains Troy—of 90 fine i. e. it will contain 3.09375 grains of Copper and 9.28125 grains of pure Silver; and its current value be the same as the three cents of account or as the 33 3d part of the Dollar—while its intrinsic value in relation to the account value will be as 2.500157 to 2.000000 or nearly 16 per cent discount.

However convenient such a currency might be to the public in exchange for the heavy Copper Currency, and the old worn out Spanish pieces now in use, it must be conceded that its introduction can not be viewed with apathy by our people, and it is natural for them to inquire into the conditions which will attend upon its introduction. They are asked in the first place to give up their Spanish currency and adopt the new coins—i. e. to give up the old at its nominal value for the new at *its* nominal value and suffer the loss as above detailed and it is further proposed that this new coin shall be exchange[d] at the mint for the small foreign pieces only. No[w] it is well known that the Spanish pieces are of near their full current value as bullion. Can it therefore be seriously expected that our merchants will give [up] a reality for a fiction, or that the introduction of these new coins is seriously intended? If so, why do not the authorities provide that the old currency shall be taken at its bullion value, and the new coin be issued, instead of at its nominal rate, at its intrinsic value. This seems to be the only mode of introducing it. It cannot be forced on the public nor will the public take it at the Government price. If it is to be issued at all it must be issued in the same way as the other inferior coins, without restriction of any sort; and then when issued its full intended influence will be exerted. The coin being of inferior value will circulate and the small Spanish coin which is at a par rate nearly will be withdrawn and accumulated in the bullion offices. But as the case now stands, it seems as if the Mint was determined not to accommodate the public without a profit. They (that is, the Mint folk) will give 100 one cent pieces—intrinsically 65 cents—for sixteen 6¼ cent pieces Spanish; or 33⅓ three cent pieces—intrinsically 83 cents—for the sixteen 6¼ cent cent pieces as above. This economy is very praiseworthy, but it is to be hoped that when the new coins do appear (and they will answer every domestic purpose,) that they will be issued without reference to the present currency, letting that take its chance in the market.

QUESTION.